

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROSE GIORDANO-FORKAN,

Plaintiff,

- against -

THE CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF EDUCATION; DENNIS
WALCOTT, CHANCELLOR OF NEW YORK CITY
DEPARTMENT OF EDUCATION; JENNIFER JONES-
ROGERS, PRINCIPAL OF P.S. 29, IN HER OFFICIAL
AND INDIVIDUAL CAPACITY; CHRISTINE
MILTON, ASSISTANT PRINCIPAL OF P.S. 29, IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,
SCOTT WOLFSON, ASSISTANT PRINCIPAL OF P.S.
29 IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

**DECLARATION OF
STEPHEN P. PISCHL IN
SUPPORT OF
DEFENDANTS MOTION
TO DISMISS**

13 CV 06950 (GBD)

Defendants.

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STEPHEN P. PISCHL declares that the following is true and correct under
penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Corporation Counsel in the office of Zachary W. Carter,
Corporation Counsel of the City of New York, the attorney for defendants in the above-
referenced action.

2. I submit this declaration in support of defendants' Motion to Dismiss the
Complaint pursuant to Rule 12(b)(6).

3. This declaration is based on the books and records of my office and of the
Board of Education of the City School District of the City of New York ("BOE") (also known as
and sued herein as the "New York City Department of Education").

4. In support of defendants' Motion to Dismiss the Complaint, the following documents are annexed hereto:

Exhibit A Settlement Agreement, filed by plaintiff in a related proceeding before the State of New York Public Employment Relations Board, Rose Giordano-Forkan vs. Department of Education of the City School District of the City of New York, Case No. U-32412 (executed Feb. 10, 2014), incorporated by reference in the Complaint;

Exhibit B Amended Charge, filed by plaintiff in a related proceeding before the State of New York Public Employment Relations Board, Rose Giordano-Forkan vs. Department of Education of the City School District of the City of New York, Case No. U-32412 (received Jul. 8, 2013), incorporated by reference in the Complaint.

5. These documents are properly submitted to the Court on this Motion to Dismiss the Complaint because a Court resolving a motion to dismiss may consider: (1) documents that plaintiff attached to the pleadings; (2) documents to which plaintiff referred in the complaint; (3) matters of which judicial notice may be taken; (4) documents in plaintiff's possession; and (5) documents of which plaintiff had knowledge and upon which plaintiff relied in bringing the action. See Chambers v. Time Warner, Inc., 282 F.3d 147, 153 (2d Cir. 2002).

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 25, 2014



STEPHEN P. PISCHL